REMARKS

Claims 23, 25-31, 34 and 37-43 are pending. Claims 1-22, 24, 32, 33, 35 and 36 are cancelled.

Claim 34 has been amended to correct a typo.

REJECTION UNDER 35 U.S.C. 102

Claims 34 and 37-42 stand rejected under 35 U.S.C. 102(b) as being anticipated by Abramovici.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the recognized possession of one having ordinary skill in the art. *Dayco Prods., Inc. v. Total Containment, Inc., 329 F.3d 1358, 66 USPQ2d 1801 (Fed. Cir. 2003); Crown Operations International Ltd. v. Solutia Inc., 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002)*.

As demonstrated below, Abramovici does not provide the identical disclosure of each element of a claimed invention.

In particular, claim 34 recites a processing device, comprising:

a reconfigurable circuit allowing change in function and connection relation;

a setting portion storing setting data representing a divided unit forming a part of an intended circuit, and supplying the setting data to said reconfigurable circuit; and

a control portion controlling said setting portion such that a plurality of setting data are successively supplied according to a process flow to said reconfigurable circuit to configure said intended circuit; wherein

said reconfigurable circuit has at least one state holding circuit holding an internal state;

said reconfigurable circuit is divided, by an arrangement of said state holding circuit, into a plurality of stages of reconfigurable units; and

said control portion controls

at one time point,

said setting portion such that setting data of a divided unit configuring an intended circuit is supplied to a reconfigurable unit at a predetermined stage,

at a next time point,

said setting portion such that setting data of a next divided unit configuring said intended circuit is supplied to said reconfigurable unit at a stage next to said predetermined stage,

said setting portion such that setting data of a divided unit configuring a circuit different from said intended circuit is supplied to said reconfigurable unit of said predetermined stage;

said reconfigurable circuit including a path portion to input an output of the reconfigurable unit of the last stage to the reconfigurable unit of the first stage.

For example, with reference to FIG. 30 of the present application,

(1) "one time point" (in line 12 of claim 34) may correspond to t=6, where FA1, FC5, FB6 are supplied to the reconfigurable circuit,

(2) "next time point", (in line 15) may correspond to t=7, where FBI, FA2, FC6 are supplied to the reconfigurable circuit, and

(3) "predetermined stage", (line 14) may correspond to the second row of the reconfigurable circuit.

In this example, claim 34 may indicate that the control portion controls

at one time point,

(i) said setting portion such that setting data of a divided unit (FC5) configuring an intended circuit (FC) is supplied to a reconfigurable unit at a predetermined stage (row 2),

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at the next time point,

(ii) said setting portion such that setting data of a next divided unit (FC6) configuring said intended circuit (FC) is supplied to said reconfigurable unit at a stage next to said predetermined stage (row 3),

(iii) said setting portion such that setting data of a divided unit (FA2) configuring a circuit different from said intended circuit (FA) is supplied to said reconfigurable unit of said predetermined stage (row 2).

The Examiner asserts that:

the above item (i) is described in column 3, line 56-57 of Abramovici,

the item (ii) is described in column 5, line 59 through column 6, line 9, and

the item (iii) is described in column 3, line 56-67.

It is respectfully submitted that Abramovici does not disclose the above-identified features.

Instead, Abramovici just indicates that the setting data supplied at one time point and the next time points are different. Further, Abramovici mentions a page replacement technology.

However, the reference does not teach that data (such as FC5) is supplied to a certain row (e.g. row 2) at one time point, and the next data (such as FC6) is supplied to the next row (e.g. row 3) at the next time point.

Hence, Abramovici does not disclose that the control portion controls

at one time point,

said setting portion such that setting data of a divided unit configuring an intended circuit is supplied to a reconfigurable unit at a predetermined stage,

at a next time point,

said setting portion such that setting data of a next divided unit configuring said intended circuit is supplied to said reconfigurable unit at a stage next to said predetermined stage, as claim 34 recites.

In the event the Examiner relied upon inherency without expressly indicating such reliance, the Examiner should be aware that inherency requires <u>certainty</u>, not speculation. *In re Rijckaert*, 9 F.3rd 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986); *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983); *In re Oelrich*, 666 F.2d 578, 212 USPQ 323 (CCPA 1981); *In re Wilding*, 535 F.2d 631, 190 USPQ 59 (CCPA 1976). To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probability or possibilities. *In re Robertson*, 169 F.3d 743, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

However, the Examiner provided no factual basis upon which to conclude that the above-discussed claim features are **necessarily** present in Abramovici.

Therefore, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of anticipation with respect to claim 34.

Claims 37-42 dependent from claim 34 are defined over the prior art at least for the reasons presented above in connection with claim 34.

REJECTIONS UNDER 35 U.S.C. 103

Claims 23 and 25-30 have been rejected under 35 U.S.C. 103 as being unpatentable over Abramovici in view of "well known practices in the art." Claim 31 has been rejected under 35 U.S.C. 103 as being unpatentable over Abramovici in view of "well known practices in the art"

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and further in view of Mansingh. Claim 43 has been rejected under 35 U.S.C. 103 as being unpatentable over Abramovici in view of Mansingh.

To more clearly define the claimed subject matter, claim 23 has been amended.

Claim 23, as amended, recites a processing device, comprising:

a reconfigurable circuit formed of a logic circuit, allowing change in function;

an internal state holding circuit receiving an output of said reconfigurable circuit;

a first path portion transmitting the ~~an~~ output of said reconfigurable circuit received by said internal state holding circuit as an input to said reconfigurable circuit;

a setting portion supplying setting data for configuring an intended circuit in said reconfigurable circuit; and

a control portion controlling said setting portion such that a plurality of setting data are successively supplied to said reconfigurable circuit, so that an output of an intended circuit configured on said reconfigurable circuit in accordance with one setting data is supplied to an input of an intended circuit configured in accordance with setting data next to said one setting data through said first path portion

a memory portion operating at a lower speed than said internal state holding circuit, storing an output of an intended circuit configured on said reconfigurable circuit in a prescribed area in accordance with one setting data; and

a second path portion transmitting an output of the circuit configured on said reconfigurable circuit stored in said prescribed area of said memory portion as an input to a circuit configured in accordance with setting data after the next setting data subsequent to said one setting data.

Hence, the amended claim 23 specifies that a second path portion transmitting an output of the circuit configured on said reconfigurable circuit stored in said prescribed area of said

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memory portion as an input to a circuit <u>configured in accordance with setting data after the next</u> <u>setting data subsequent to said one setting data.</u>

It is noted that the amendment to claim 23 makes it clear that in accordance with one aspect of the present invention, both the memory portion and the internal state holding circuit are used.

For example, with reference to FIG. 20 of the present application, at a first stage, filter circuit 50 is set to a reconfigurable circuit. At the second stage, filter circuit 52 is set to the reconfigurable circuit. At the final stage, demodulating circuit 54 is set to the reconfigurable circuit.

Output data MQ from circuit 52 is used as input data for the next stage (e.g. circuit 54). In this case, data MQ is transmitted via the internal state holding circuit and the first path portion.

Output data MI from circuit 50 is used as input data for a stage after the next stage (e.g. circuit 54). In this case, data MI is transmitted via the memory portion and the second path portion. The data MI is stored while circuit 52 is set to the reconfigurable circuit.

As described above, both the memory portion and internal state holding circuit are used, depending on when output data will be used as input data.

Applicant respectfully submits that Abramovici does not teach or suggest the claimed arrangement.

It is well settled that the test for obviousness is what the combined teachings of the references would have suggested to those having ordinary skill in the art. *Cable Electric Products, Inc. v. Genmark, Inc.*, 770 F.2d 1015, 226 USPQ 881 (Fed. Cir. 1985). In determining whether a case of prima facie obviousness exists, it is necessary to ascertain whether the prior art teachings appear to be sufficient to one of ordinary skill in the art to suggest making

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the claimed substitution or other modification. *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1984).

As discussed above, the teaching of Abramovici is not sufficient to arrive at the arrangement recited in the amended claim 23. Therefore, this claim is clearly defined over the prior art.

Dependent claims 25-31 and 43 are defined over the prior art at least for the reasons presented above in connection with the respective independent claims 23 and 34.

In view of the foregoing, and in summary, claims 23, 25-31, 34 and 37-43 are considered to be in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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